

PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69-A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403
and the
S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N # -2007-0003-1ID-P

February 16, 2007

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

PINCKNEY RETREAT DEVELOPMENT COMPANY, LLC
c/o STEADFAST MARINE SERVICES
P.O. BOX 219
ST. HELENA ISLAND, SOUTH CAROLINA 29920

for a permit to construct a community dock in an unnamed tributary of

BATTERY CREEK

located near the terminus of Pinckney Retreat Road in the Burton Area of Beaufort County, South Carolina.

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, MARCH 19, 2007,

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of the construction of a 4' wide X 397' long walkway leading to an 8' x 32' fixed covered pierhead. The purpose of the dock will be for the private recreational use of the residents of the Pinckney Retreat Development. NOTE: This request supersedes an earlier request by the applicant (public notice SAC-2006-662-1IW) for 2 community docks for this development.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69-A Hagood Avenue
Charleston, South Carolina 29403**

The work shown on this application must be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 0.04 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places (NRHP) for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein. The Pinckney Retreat property has 3 sites that have been determined eligible for the National Register of Historic Places. A Memorandum of Agreement (MOA) for the property was previously developed and has been approved. As allowed by the MOA, these NRHP sites have been mitigated thru data recovery. As also required by the MOA, a covenant and preservation plan for the Jean de la Gaye House is forthcoming by the applicant. With regard to the proposed new dock, the District Engineer has made a preliminary determination that the work will have "no adverse effect" on the characteristics which resulted in the sites being eligible for inclusion in the NRHP. By copy of this public notice, the District Engineer is seeking the concurrence or views of the State Historic Preservation Office in this determination.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have

on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

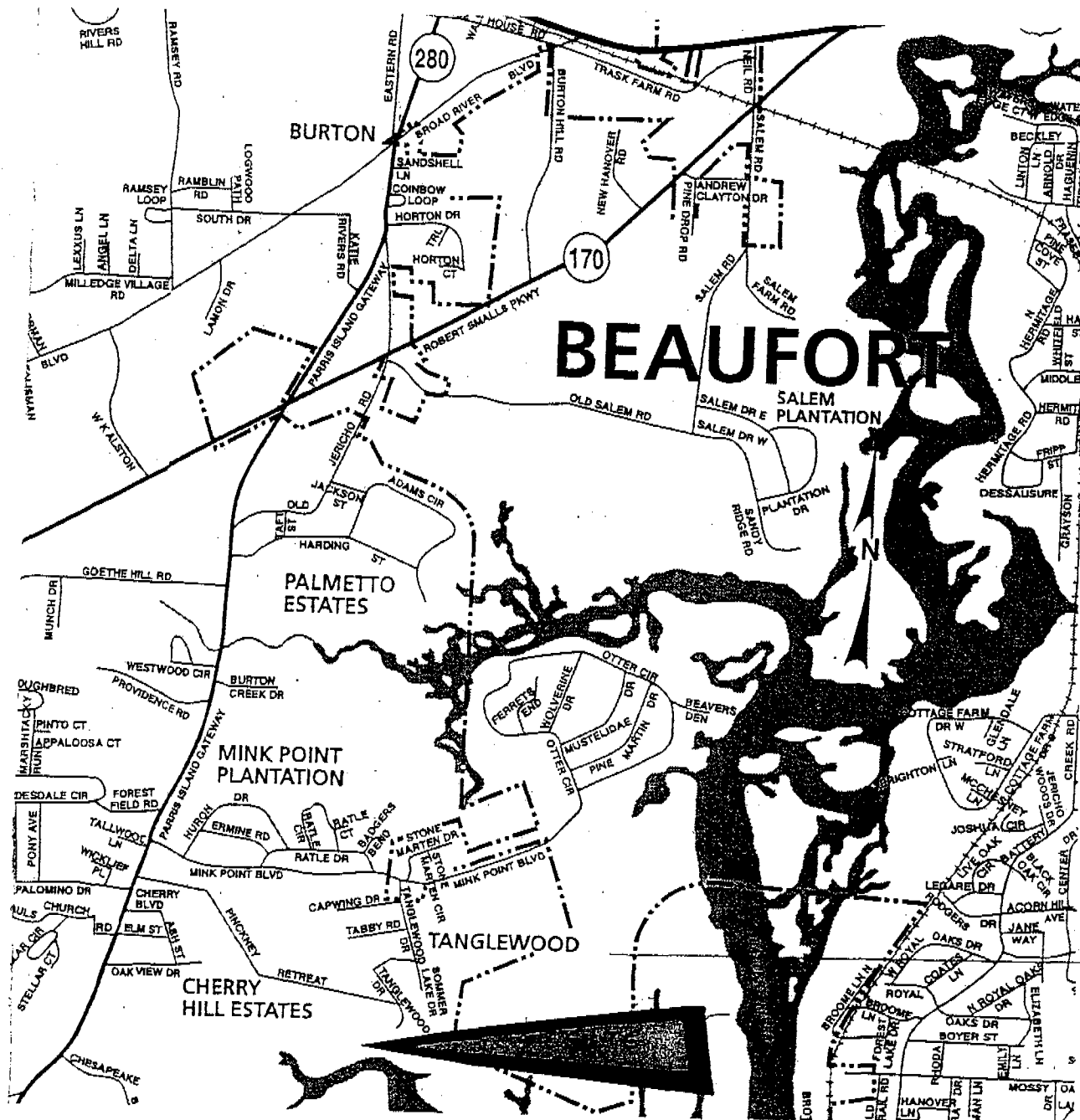
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

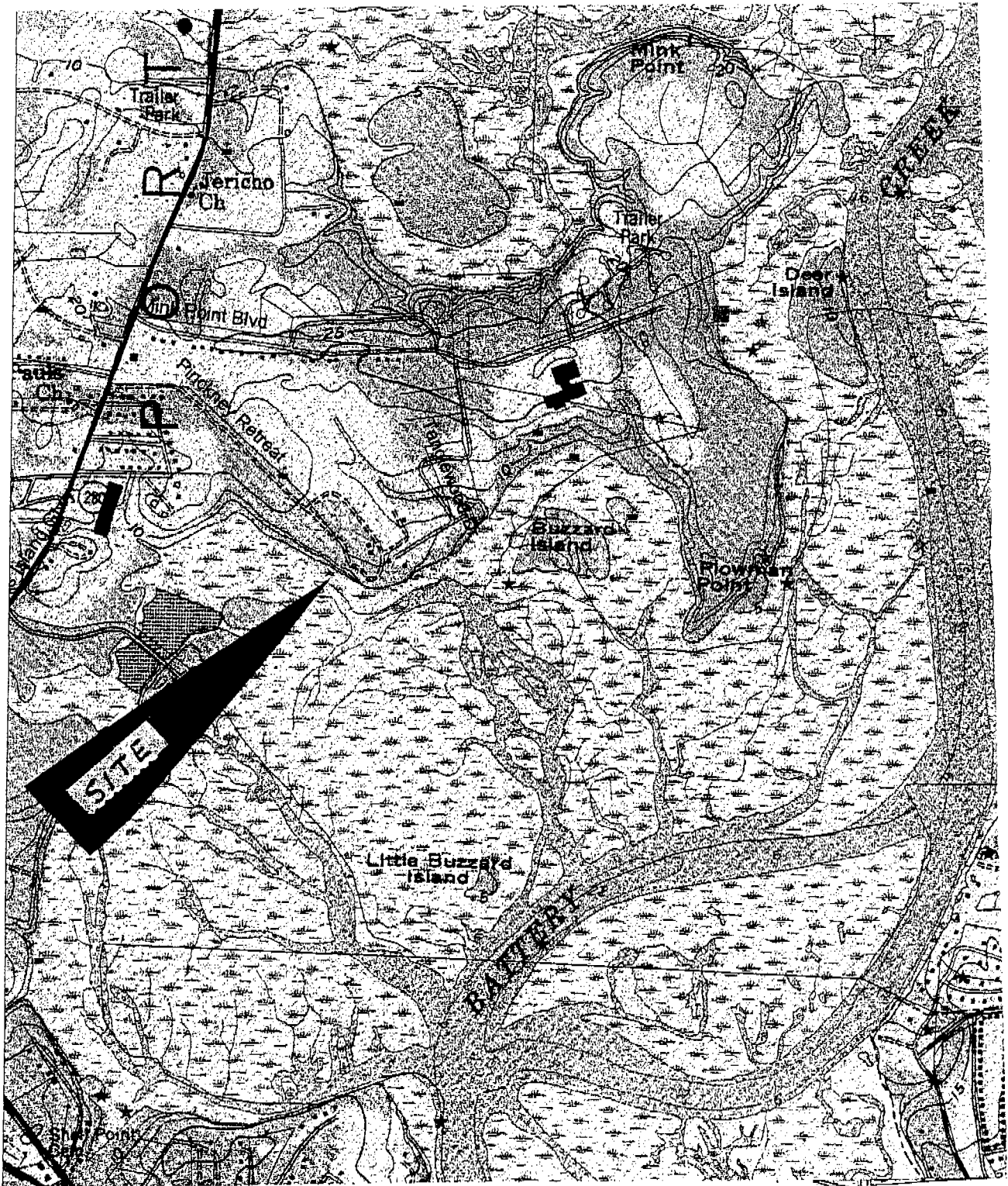
If there are any questions concerning this public notice, please contact Mr. Dean Herndon at 843-329-8044 or toll free at 866-329-8187.

Steve Brooks
Project Manager
SCDHEC-OCRM



FROM THE JUNCTION OF S.C. 170 & S.C. 280 TAKE S.C. 280 WEST 2 MILES.
TURN LEFT INTO PINCKNEY RETREAT DEVELOPEMENT, SITE IS ON RIGHT
AT COMMON AREA 8 & 13.

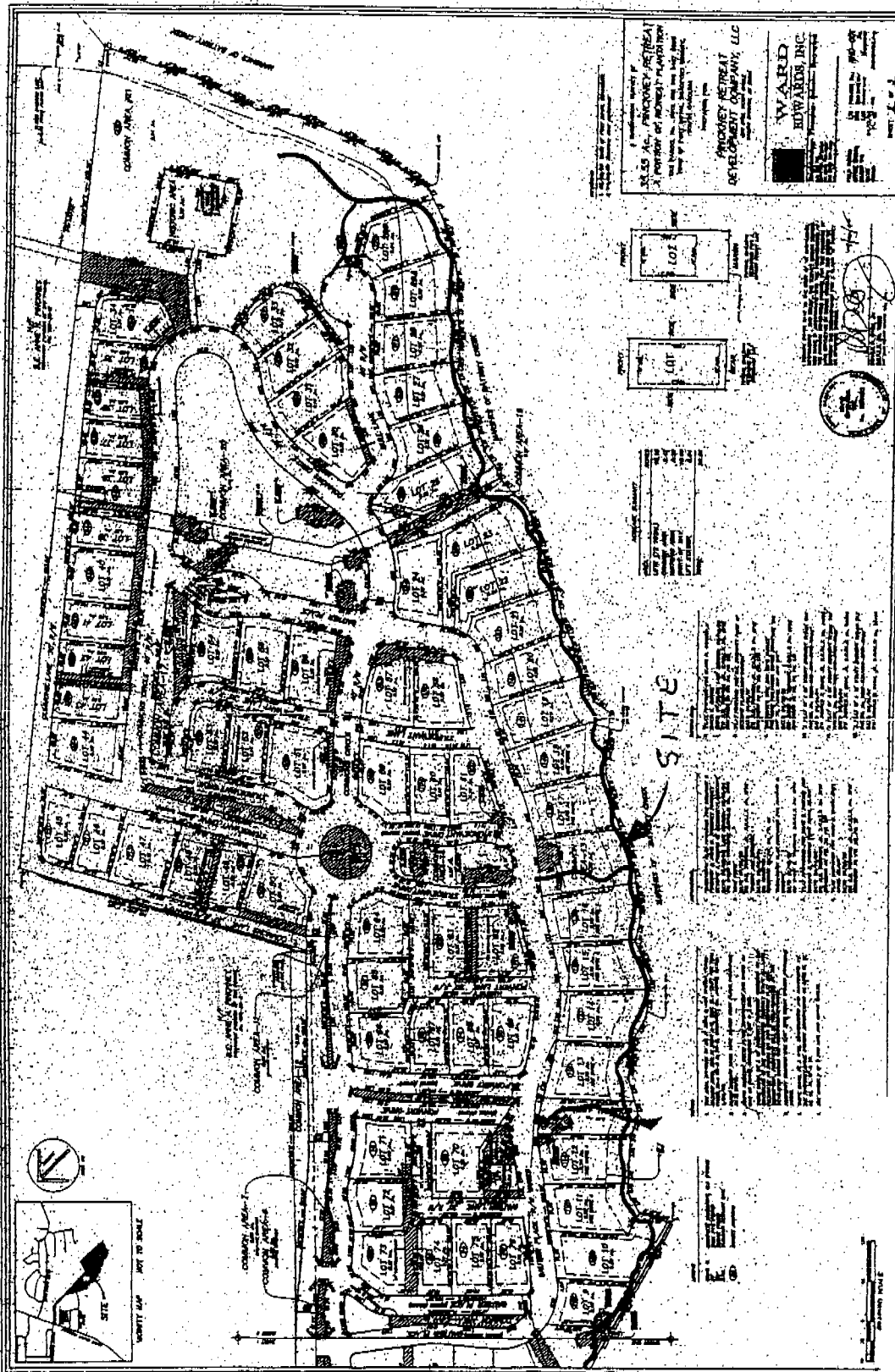
APPLICANT.....PINCKNEY RETREAT DEV. Co. L.L.C.
ACTIVITY.....PRIVATE COMMUNITY DOCK
LOCATION.....COMMON AREA 8 & 13 GAUTIER PLACE
COUNTY.....BEAUFORT
DATE.....8/4/06



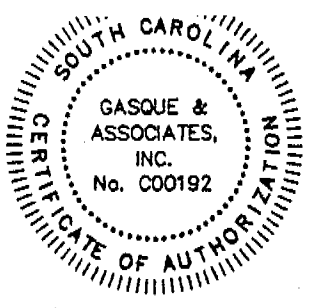
FROM THE JUNCTION OF S.C. 170 & S.C. 280 TAKE S.C. 280 WEST 2 MILES.
TURN LEFT INTO PINCKNEY RETREAT DEVELOPEMENT. SITE IS ON RIGHT
AT COMMON AREA 13. LAT. 32° 25.1' N. LON. 80° 43' W.

APPLICANT.....	PINCKNEY RETREAT DEV. Co. L.L.C.
ACTIVITY.....	PRIVATE COMMUNITY DOCK
LOCATION.....	COMMON AREA 13 GAUTIER PLACE
COUNTY.....	BEAUFORT
DATE.....	8/4/06

PAGE 1 OF 5



APPLICANT.....PINCKNEY RETREAT DEV. Co. L.L.C.
 ACTIVITY.....PRIVATE COMMUNITY DOCK
 LOCATION.....COMMON AREA 8 & 13 GAUTIER PLACE
 COUNTY.....BEAUFORT
 DATE.....8/4/06

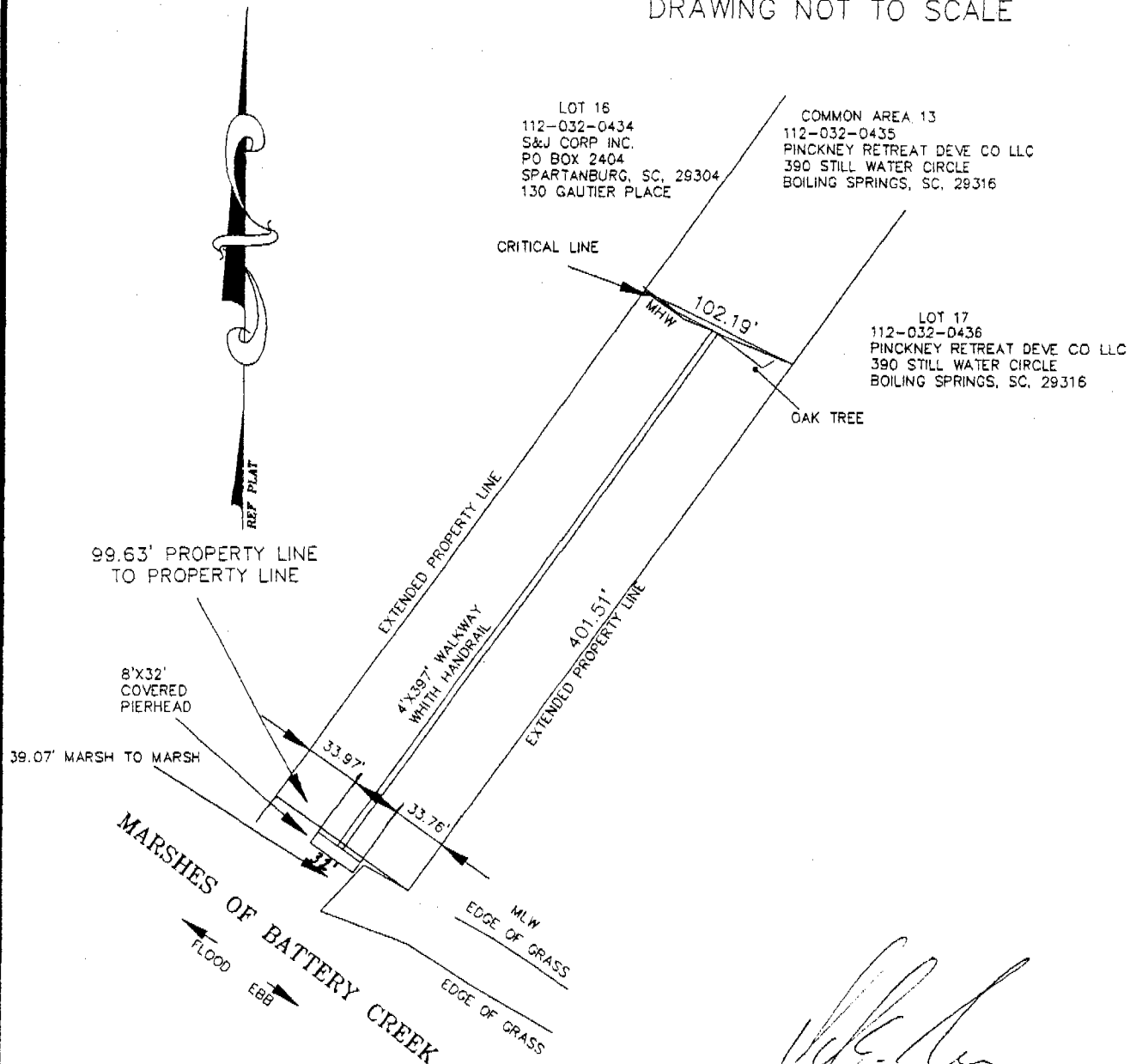


GASQUE & ASSOCIATES INC.
LAND SURVEYORS & PLANNERS

28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
P.O. BOX 1363, BEAUFORT, S.C.
PHONE (843) 522-1798

NOTE;
DISTANCES AND PLACEMENT OF DOCKS
MUST BE VERIFIED BY CONTRACTOR

DRAWING NOT TO SCALE



DATE: 8/4/06

DAVID E. GASQUE, R.L.S.

JOB # 31957
FB#NA/JP DSGN#3

APPLICANT: 112-032-0435
PINCKNEY RETREAT DEVE CO LLC
390 STILL WATER CIRCLE
BOILING SPRINGS, SC, 29316

ACTIVITY: COMMON AREA RECREATIONAL DOCK

LOCATION: GAUTIER PLACE

COUNTY: BEAUFORT, SC.
DATE: 8/4/06

Sh 4 of 5

ADJACENT PROPERTY OWNERS:

LOT 17
1. 112-032-0436
PINCKNEY RETREAT DEVE CO LLC
390 STILL WATER CIRCLE
BOILING SPRINGS, SC, 29316

LOT 16
2. 112-032-0434
S&J CORP INC.
PO BOX 2404
SPARTANBURG, SC, 29304
130 GAUTIER PLACE

